

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

**FOR PURPOSES OF CONSIDERATION OF
SWEETWATER PLACE**

**PDS2014-GPA-14-003, PDS2014-REZ-14-003, PDS2014-TM-5588,
PDS2014-STP-14-015, PDS2014-ER-14-14-009**

September 4, 2015

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

☐

NO

☐

NOT APPLICABLE/EXEMPT

☒

The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES

☒

NO

☐

NOT APPLICABLE/EXEMPT

☐

The proposed project and any off-site improvements related to the proposed project are within the boundaries of the Multiple Species Conservation Program. The project conforms with the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Findings dated June 4, 2015.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES

☒

NO

☐

NOT APPLICABLE/EXEMPT

☐

The project will obtain its water supply from the Otay Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?

YES

☒

NO

☐

NOT APPLICABLE/EXEMPT

☐

The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?

YES

☐

NO

☐

NOT APPLICABLE/EXEMPT

☒

The Steep Slope section (Section 86.604(e))?

YES

NO

NOT APPLICABLE/EXEMPT

	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Wetland and Wetland Buffers: The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe: The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes: Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats: Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites: Based on an analysis of County of San Diego archaeology resource files, archaeological records, maps, and aerial photographs by County of San Diego staff archaeologist, Donna Beddow, it has been determined that the project site does not contain any known archaeological resources. Therefore the project complies with the RPO.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES	NO	NOT APPLICABLE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project Storm Water Management Plan has been reviewed and is found to be complete and in compliance with the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES
☒NO
☐NOT APPLICABLE
☐

Even though the proposal could generate potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following noise mitigation measures are proposed to reduce the noise impacts to applicable limits:

It was determined from the detailed analysis that the multi-family NSLU's adjacent to the roadways will not comply with the County of San Diego 65 dBA CNEL exterior noise standard without mitigation measures. In order to reduce the future exterior noise levels to below the County threshold noise barriers are required in the western and southern portion of the site. The noise affected outdoor areas of the proposed lots located closest to Jamacha Boulevard will require noise barriers in height of six (6) feet to be located on top of slope at the rear yards. It was determined from the detailed analysis that all multi-family NSLU's will comply with the County of San Diego 65 dBA CNEL exterior noise standard with the additional mitigation measures. The park and recreational areas along Sweetwater Road were found to comply with the County's 70 dBA threshold.

The first floor and second floor building facades were found to be above 60 dBA CNEL. Therefore, per the General Plan Noise Element an interior noise study is required to determine the mitigation required to achieve an interior noise level of 45 dBA CNEL. This report would finalize the noise requirements based upon precise grading plans and actual building design specifications. This is to ensure that interior noise levels for the proposed residential structures comply with the interior noise level requirement of 45 dBA pursuant to the County Noise Element.

Additionally, the Project is zoned S-90 with a proposed R-V use and the surrounding properties are zoned industrial (M-52) to the north, west and east and industrial (M-58) across Jamacha Blvd. The M-58 zoned properties to the south are subject to a one-hour average sound level limit of 75 dBA anytime. The abutting land uses zoned M-52 allows for a one-hour average level limit of 70 dBA anytime and the Project site zoning allows for a sound level of 50 decibels (dBA) from 7 a.m. to 10 p.m. and 45 decibels (dBA) from 10 p.m. to 7 a.m. The final one-hour average sound level limit for two zoning districts is the arithmetic mean of the respective zones. In this case, the most conservative property lines along the western, eastern and northern boundaries would be subject to 60 dBA daytime and 57.5 dBA nighttime under Section 36.404 of the Noise Ordinance. Based on the existing uses surrounding the Project site, generally commercial and storage facilities, the property thresholds are anticipated to comply at the proposed Project.

NOISE BARRIER REQUIREMENT. The following noise design and noise attenuation measures shall be implemented and constructed pursuant to the approved Landscape Plans:

- a. Sound barriers shall be installed, located facing and screening Jamacha Boulevard. Additionally, the noise walls would have a return design, running north and south, further extending the ends of the sound walls (please see Figure 2-C and Section 2.4 for a conceptual sound wall design and layout within the Noise Report prepared by LDN Consulting dated March 25, 2015) and as referenced within the Landscape Plan. The sound wall would be located on top of slope at the rear yards of the units.

- b. Any proposed alternative methods, or the reduction and/or addition of the noise barrier(s) maybe approved if Noise Element conformance can be demonstrated while no new impacts are a result of the updated noise barrier design.

NOISE RESTRICTION EASEMENT. A Noise Restriction Easement shall include the entire property and shall comply with the following:

- a. Prior to the approval of any Building Plan and issuance of any Building Permit, a County Approved Acoustical Consultant, shall perform an acoustical analysis, which demonstrates that the proposed residential dwelling units would not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the General Plan community noise equivalent levels (CNEL) of 45 dB for interior noise, and a (CNEL) of 65 dB for exterior noise levels. Exterior noise sensitive land uses include all Group or Private Usable Open Space as defined by the General Plan Noise Element (Table N-1 & N-2).
 - 1. Future traffic noise level estimates, must utilize a Level of Service "C" traffic flow for Jamacha Boulevard and Sweetwater Springs Boulevard which is its designated General Plan Mobility Element buildout roadway classification.
- b. The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures (interior noise levels) and project site (exterior noise levels) can comply with the noise standards referenced above.
- c. The unauthorized removal of documented noise control measures at a future date after the initial installation of noise control measures and satisfaction of this mitigation, must be rectified before any future building permits can be approved and issued; affected noise sensitive land uses are subject to this building restriction regardless of unauthorized removal of documented noise control measures
- d. Prior to the approval of any Building Plan and issuance of any Building Permit, the applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [PDS, BD] for review and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional noise control measures necessary to meet the requirements of this mitigation.
- e. Any proposed alternative methods, or the reduction and/or addition of the noise barrier(s) maybe approved if Noise Element conformance can be demonstrated while no new impacts are a result of the updated noise barrier design.